

United States District Court

MIDDLE

DISTRICT OF

ALABAMA

UNITED STATES OF AMERICA

CRIMINAL COMPLAINT

v.

CASE NUMBER:

2:06mj 29-DRB

BENEDICT OLUSOLA ADANDE

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about March 8, 2006 in Pike county, in the Middle District of Alabama defendant(s) did, (Track Statutory Language of Offense)

steal or receive stolen mail matter, unlawfully possess or use identification of another and execute a scheme to defraud a financial institution

in violation of Title 18 United States Code, Section(s) 1708; 1028A; 1344.

I further state that I am a(n) U.S. Postal Inspector and that this complaint is based on the following facts:
Official Title

SEE ATTACHED AFFIDAVIT

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

J. D. T.
Signature of Complainant

Sworn to before me and subscribed in my presence,

March 9, 2006

at Montgomery, Alabama

Date

Delores R. Boyd
Signature of Judicial Officer

DELORES R. BOYD, U.S. Magistrate Judge

Name and Title of Judicial Officer

ATTACHMENT I

AFFIDAVIT IN SUPPORT OF ARREST WARRANT

The undersigned, being duly sworn on oath, deposes and says:

1. I, James D. Tynan, have been a United States Postal Inspector for over three years. I am currently assigned to the U.S. Postal Inspection Service Office in Montgomery, AL. As a Postal Inspector, I enforce federal laws relating to postal offenses. I investigate incidents where the United States Mails are used for the purpose of transporting non-mailable matter, obstruction of mail, burglaries, robberies, assaults, and, in this case, credit card fraud, mail theft, and identity theft. The following information has been obtained by me personally or has been provided to me by other law enforcement officers. This affidavit is in support of a federal arrest warrant for Benedict Olusola Adande, for violations of Title 18, United States Code, Sections 1708, Mail Theft; 1028A, Aggravated Identity Theft; and 1344, Bank Fraud.

2. On March 27, 2005, your Affiant was contacted by Linda Smith, Postmaster, Mount Meigs, AL 36057, who stated that a black male came in and purchased \$2,400 of postal money orders using a debit card bearing the name of Adrian White. Smith reported that this same man came in during September and bought money orders with a debit card bearing on an account with the last name of Hardwick. Smith stated she became suspicious and contacted the Montgomery Main Post Office to see if he had been there. Smith related this same man had been there and purchased money orders. Smith described the black male as 5'7" wearing a NY cap and spoke with an accent. Smith said the man was driving a gray Jeep Grand Cherokee. Smith provided me with the surveillance video tape.

3. On October 28, 2005, Smith notified your Affiant that another black male came to Mount Meigs and purchased \$2,448.75 in money orders and fees using the same Adrian White debit card. Smith provided your Affiant with the surveillance video tape. Smith stated that the man drove a Red Jeep Grand Cherokee with a Texas license plate of T38DVK or T38DYK. Investigation revealed the car was registered to Joachim O. Adande, of Houston, TX.

4. A criminal history check of Joachim O. Adande revealed that he had a felony conviction for forgery in Texas and that he was bonded out by Benedict Adande of Troy, AL. U. S. Immigration and Customs Enforcement Agent Blake Diamond stated that Joachim O. Adande is in the deportation process.

5. Your Affiant contacted Bank of America Fraud Investigator Jesse McCoy who stated that the Adrian White account was opened on September 16, 2005, in the name of Adrian White, 50 Barrett Parkway, Suite 1200-291, Marietta, GA 30066-3300. Investigation revealed that this address is a commercial mail receiving agency, more specifically a UPS Store. The application for box 291 was in the name of "Adrain White", 2213 Green House Patio Drive, Kennesaw, GA 30144. Although the account with Bank of America was opened on September 16, 2005, box 291 was not opened until October 5, 2005.

6. McCoy reported that when the Adrain White account, 003342822791, was opened, the ID presented matched Adrian White's Alabama Driver's License of 6194504 and Regions Bank Credit Card of 4271 7802 6831 1637. The social security number presented was 423-13-0367; which matched White's. The address used does not match the address listed for White on his Alabama Driver's license.

7. McCoy stated that on September 27, 2005, a black male had deposited a \$15,000 counterfeit convenience check into the account of Adrian White. The check was drawn on a Providian Credit Card account in the name of an Ellen Crowne, 797 Kingston Road, Colvert, GA 30628; the account number is 8872 5843 86735. McCoy stated that the check was deposited in person at the Linwood Village Banking Center, Howard Beach, NY 11414.

8. McCoy stated that on October 26, 2005, a \$32,000 wire transfer was deposited into the White account from the account of a person named David Warner.

9. Investigation revealed that between on or about September 26, and November 4, 2005, approximately \$30,983 in postal money orders was purchased in the Middle District of Alabama

using the White debit card. Notably, \$1,802 in postal money orders was purchased on the Hardwick debit card.

10. On February 13, 2006, Postmaster Linda Smith, Mount Meigs, AL Post Office, contacted your Affiant and stated the same man who had purchased money orders with the White debit card came in and purchased \$2,500 in money orders using a debit card bearing on the account of a Anthony Barnes, M.D. Smith stated the man was driving a dark green Jeep Cherokee with tinted windows and a tinted license plate. Smith provided the surveillance video from the post office.

11. On March 3, 2006, your Affiant met with Troy, AL Police Department Detective Terry Miles who stated that Dr. Anthony Barnes, 2914 Lenox Road, #6, Atlanta, GA 30324 had filed a police report as the victim of fraudulent use of a credit card. Miles stated that someone had obtained Dr. Barnes' debit card and used the card to withdraw cash at ATM machines in Troy, AL and Miles had video surveillance of one of the transactions. Investigation revealed that Dr. Anthony Barnes of Atlanta, GA is the victim of an account takeover.

12. On March 7, 2006, your Affiant spoke with Bank of America Fraud Investigators Jesse McCoy and Evelyn Burton regarding the White and Barnes accounts. Burton stated that Bank of America suffered a loss of \$15,132.65 on the White debit card.

13. Burton stated that the Barnes card was issued on January 26, 2006, and that a change of address had been initiated on the Barnes account. Burton said the debit card was mailed to 713 S. Folmar Ave., Troy, AL 36081. Burton stated that at this time Bank of America has suffered a loss of \$16,929.05 on the Barnes debit card. Initial investigation revealed that approximately \$14,921 of postal money orders was purchased with the Barnes card within the Middle District of Alabama.

14. On March 8, 2006, Detective Miles contacted your Affiant and stated he had located Benedict Adande and that Adande was willing to assist in an investigation. Your Affiant responded to Troy, AL and interviewed Adande with Detective Miles. Adande was advised of

his constitutional rights per Miranda prior to the interview.

15. Adande, who is a Nigerian citizen, came to the U. S. on a student visa and attended Troy University. Adande stated that he graduated in 2005. Adande is currently on an employment authorization visa that expires on July 5, 2006; Adande stated that he is currently unemployed. During the interview, Adande provided your Affiant with the social security number of 990-99-1432. A check with Special Agent Diamond revealed that the social security number Adande provided is an invalid social security number and does match the social security number of 422-51-5555 that Immigration and Customs has on record.

16. Adande granted your Affiant permission to look in his wallet. Your Affiant discovered three pieces of paper which had the address of 713 S. Folmar Street, Troy, AL written on them; this was the same address in which the Barnes debit card was mailed.

17. Adande stated that he never had possessed a debit card in the name of Adrian White or Dr. Anthony Barnes and that he had never been to the Mount Meigs, AL Post Office and bought money orders. Your Affiant showed Adande surveillance video photos from the Mount Meigs Post Office. Adande stated that he was the person on the video of October 27, 2005, was him; this was a transaction with the White debit card. Adande also stated the video surveillance photo dated February 13, 2006, was him; this was a transaction with the Barnes debit card. Detective Miles and your Affiant showed him video surveillance from an ATM withdraw at the Army Aviation Credit Union in which the Barnes card was used; Adande stated that was him and stated, "that was a crime I just committed."

18. Adande provided your Affiant with a sworn statement that he used his car and went to the post office to buy money orders and complete ATM withdraws. Adande stated that this was working for a man named Jimmy who lives in Troy, AL and that he was paid \$50 to \$150 per transaction. Adande said that after each transaction he handed all the cash, money orders, and debit cards back to Jimmy.

19. Adande signed a consent to search form for his dark blue Jeep Grand Cherokee.

Following the statement and consent to search form, Detective Barnes and your Affiant searched Adande's vehicle. An item recovered during the search was a Flybook computer which was ordered on March 1, 2006, and shipped to David Adamovage, 713 S. Folmar Road, Troy, AL 36081; the grand total for the computer was \$3,015. Again, this address was used to receive the Barnes debit card.

20. A black fanny pack with a "B" Keychain on it was recovered under the driver's side back seat. Inside the fanny pack were five debit cards in different names, a UPS pamphlet, and 114 \$20 bills totaling \$2280 cash and a number of checks bearing on different people's debit or credit card accounts. Also inside the fanny pack was personal papers bearing on Benedict Adande. Some of the papers showed that Adande purchased this car in 2005 for \$10,000.

21. In summary, Bank of America has suffered a financial loss of approximately \$32,061.70 as a result of the fraudulent activity by use of the White and Barnes debit cards. As of March 7, 2006, approximately \$47,706 in postal money orders and fees have been purchased with the Hardwick, White and Barnes debit cards.

22. Based on Affiant's training and experience and the facts set forth in this affidavit, I submit there is probable cause probable cause to arrest Benedict Olusola Adande, based on the above information, that there is evidence of violations of Title 18, United States Code, Sections 1708, Mail Theft; 1028A, Aggravated Identity Theft; and 1344, Bank Fraud.

J. D. Tynan
J. D. Tynan
U. S. Postal Inspector

Sworn to before me and subscribed
in my presence this the 9 th day
of March, 2006.

DeLores R. Boyd
DELORES R. BOYD
United States Magistrate Judge